IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.649 OF 2006

Vijay Bapu Patil ...Applicant

v/s

The State of Maharashtra
(At the instance of
Gaubhag Police Station,
Ichalkaranji, Dist. Kolhapur) ...Respondent.

Mr. A.P. Mundargi with Mr. Sudesh Gavhane for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 20TH FEBRUARY, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail since he has an apprehension that he is likely to be arrested in connection with the offence registered at Gaubagh Police Station, Ichalkaranji vide C.R. No. 7 of 2006 punishable under sections 143, 147, 148, 149, 302 read with section 34 and under section 120-B of the Indian Penal Code. It is alleged that on 22/1/2006 Vijay Chinchalkar and his friend had gone for dinner at Hotel Accord at village Yadrav. There

was some altercation between Ramesh Burange and Vijay Chinchalkar and it is alleged that Javed and Ramesh had a grudge against Vijay Chinchalkar and Santosh. The incident in question took place on 28/1/2006 when the deceased was assaulted by Javed, Amol Mali, Anil More, Amol Chougule, Atul Chougule. Issac was an eye witness to the said incident.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that in the FIR, the name of the applicant had not been mentioned and there is absolutely no evidence to indicate the involvement of the present applicant in the commission of the said crime. He has invited my attention to the order passed by the Sessions Court in which the Sessions Court has, while rejecting the application of the applicant, observed that the Sessions Court had gone through the statement of Issac Shaikh and Santosh Pujari and was satisfied that the applicant had connection with the commission of offence. He submitted that the Sessions Court in its order had not disclosed what was stated by Issac Shaikh and Santosh Pujari. He submitted that the applicant is falsely implicated in the present case and that he was not present at the scene of offence.

4. The learned APP appearing on behalf of the State has submitted that the investigation is still in progress. He has invited my attention to the statement of Issac Shaikh and Santosh Pujari. From the statements of these two witnesses, it can be seen that both of them have stated that a telephone call was received by the main assailants and on instructions being given by the applicant, the accused assaulted the deceased and Issac Shaikh who had witnessed the said incident. In view of the statements of these two witnesses, I am of the view that no case is made out for grant of an anticipatory bail. Application for anticipatory bail is rejected.

V.M. KANADE, J.